

5/015/043

RECEIVED

MAR 25 2003

DIV OF OIL, GAS & MINING

Price Field Office  
125 South 600 West  
Price, Utah 84501

3809  
UTU-69857  
(UT-070)

CERTIFIED MAIL - Return Receipt Requested  
Certification No. 7001 0360 00002 1571 4133

MAR 19 2003

### DECISION

Mr. Bret W. Clark  
Hub Research & Development Co., Inc.  
377 West 1500 South  
Salt Lake City, Utah 84115

Financial Guarantee Required  
43CFR 3809.333 and 3809.503

Dear Mr. Clark:

On January 14, 2003, we received your request to extend notice UTU-69857. Your request to extend included a reclamation cost estimate in accordance with 43 CFR 3809.554. We have reviewed and agree with the submitted reclamation cost estimate from Sinbad Construction Co., Inc. A financial guarantee in the amount of \$5000 is required in order to extend your notice.

The financial guarantee must be submitted to the Utah State Office, Minerals Adjudication, P.O. Box 45155, SLC, UT 84145-0155. If you have any questions regarding financial guarantees, please call Opie Abeyta at (801) 539-4123.

Your notice is conditionally extended subject to meeting the financial guarantee requirements during this time period. While your notice is conditionally extended you may continue your mining activity. If you fail to submit the financial guarantee during this time period, your notice will expire. If your notice expires the only activity allowed is reclamation. A reclamation plan and schedule must be accepted prior to any reclamation activity commencing on the ground.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may have the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the Utah State Director does not make a decision on whether to accept your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You then have 30 days in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass the State Director review, this decision may be appealed directly to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (Price Field Office, 125 South 600 West, Price, Utah 84501) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Sincerely,

**PATRICK J. GUBBINS**

Patrick J. Gubbins  
Field Manager

cc: Wayne Hedberg, DOGM (S/015/043)

bcc: T. Snyder, UT-923

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BretClarkBond.ltr